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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,180	02/13/2004	Friedrich Muller	P7379.0US	2179

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EXAMINER

JOHNSON, VICKY A

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/708,180

Applicant(s)

MULLER, FRIEDRICH

Examiner

Vicky A. Johnson

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 39. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the bayonet lock" and "casing parts connected by press fit" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

Art Unit: 3682

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: In paragraph 14 a line 6 "thesemembers" should be ~~--these members--~~; "4" coupling part and casing part. Appropriate correction is required.

Claim Objections

4. Claim 23 is objected to because of the following informalities: In line 1 "fasting" should be ~~--fastening--~~. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claims 19 and 20 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for casing members connected by screws, does not reasonably provide enablement for casing members connected by a bayonet lock or casing members connected by press fit. The specification does not enable any person

skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims.

The specification does not disclose any particular information on how the casing members can be connected by a bayonet lock or press fit, which is located entirely on the inside of the casing, or even that it is located on the inside as with the screws. The Applicant's invention pays particular attention to the outer surface being free of connecting elements, but fails to disclose how this is accomplished with a bayonet lock or with a press fit.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. The term "smooth" in claim 2 is a relative term, which renders the claim indefinite. The term "smooth" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear how "smooth" the outer surface has to be in order to be considered smooth.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3682

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-11, 14, 15, and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Malley (US 2,955,487).

Malley discloses a casing comprising: casing parts (7,8,10,13) connected by fastening elements (14,11) located inside the casing.

Re claim 2, the casing has an essentially smooth exterior.

Re claims 3 and 4, through threaded openings (12).

Re claim 5, the threaded bores are in an end face of the second casing (see Fig 1).

Re claim 6, the first casing has an end face with recesses (see Fig 1).

Re claim 7, the through openings are recessed relative to the end face (see Fig 1).

Re claim 8, first casing has an inner wall and an annular surface in a radial plane adjoining the inner wall (see Fig 8).

Re claim 9, the first casing has an inner side thicker near the through openings than adjoining areas (see Fig 1).

Re claim 10, the casing parts have end faces that rest against each other (see Fig 1).

Re claim 11, the casing parts have identical contours with no step (see Fig 1, right side).

Re claims 14 and 15, the first casing part has a casing member (16) formed as a monolithic part projecting laterally (see Fig 1).

Re claim 21, the fastening elements are screws (see Fig 1).

Re claim 22, the casing is a transmission casing (see Fig 1).

Re claim 23, first and second fastening elements (see Fig 1).

11. Claims 1-10, 14-17, and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmitter (US 2,869,384).

Schmitter discloses a casing comprising: casing parts (21, 19) having a smooth exterior (see Fig 1), and through openings and threaded bores (see Fig 1), on an end face (see Fig 1) connected by fastening elements (unnumbered, see Fig 1) located inside the casing.

Re claims 14-17, the first casing part has a casing member formed as a monolithic part projecting laterally (12) closed by a lid (41) having a shoulder (44) resting on an end face of the casing member (see Fig 1).

Re claims 21-23, the first and second fastening elements are screws (see Fig 1) in a transmission casing (see Fig 1).

12. Claims 1-5 and 8-13 rejected under 35 U.S.C. 102(b) as being anticipated by Kitahata et al (US 6,209,409).

Kitahata et al disclose a casing comprising: casing parts (6,11) having a smooth exterior (see Fig 1), and through openings and threaded bores (see Fig 1), on an end face (see Fig 1) connected by fastening elements (unnumbered, see Fig 1) located inside the casing.

Re claims 12 and 13, a protective layer (54) covering a parting line between the casing parts that adjoin each other, which is paint (col. 4 lines 21-57).

Art Unit: 3682

13. Claims 1, 2, 14, 16, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Wetzel (US 5,620,311).

Wetzel discloses a casing comprising: casing parts (16,14) having a smooth exterior (see Fig 1), connected by fastening elements (unnumbered, see Fig 1) located inside the casing.

Re claims 14-18, the first casing part (16) has a casing member (40) projecting laterally (see Fig 1) closed by a lid (84) having a shoulder (unnumbered see Fig 3) resting on an end face of the casing member (see Fig 3) and screwed into the casing member (col. 3 line 66 – col. 4 line 5).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


3,055,237	Magnuson	(internal fastening elements)
4,791,831	Behnke et al	(internal fastening elements)
6,877,750	Engel	(internal fastening elements)
3,198,346	Mulcahy et al	(lid press fit)
2757261	Laudic	(lid bayonet lock)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

Art Unit: 3682

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Bucci can be reached on (571) 272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Vicky A. Johnson
Examiner
Art Unit 3682

8/19/00